

**IN THE UNITED STATES DISTRCIT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

SHIRLEY RADABAUGH,)
)
Plaintiff,)
)
v.)
)
CLAY TURNER REALTY GROUP, LLC,)
Defendant.)

DOCKET NO: 1:20-CV-00058-JRH-BKE

DECLARATION OF CLAY TURNER

I, CLAY TURNER, under the penalty of perjury, declare the following to be true and correct to the best of my personal knowledge:

1. I am the owner and operator of Clay Turner Realty Group, LLC.
2. Clay Turner Realty Group, LLC is the defendant in this action.
3. I have all necessary and proper authority to submit this declaration on behalf of and as a representative of Clay Turner Realty Group, LLC.
4. I am over the age of 18 years old and competent to submit this declaration in support of my response to Shirley Radabaugh's ("Plaintiff") Motion for Partial Summary Judgment against Defendant on liability for copyright infringement under 17 U.S.C. §§ 106, 501 (Count I of the Complaint).
5. I am a licensed real estate agent in the states of Georgia and South Carolina.

**SOUTHERN DISTRICT OF GEORGIA
ATTORNEY DISTRICT**

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CLAYTON INK & GELATIN COMPANY, INC.
Dobbs Ferry, New York

DISCUSSION OF CIVIL TURNER

- The Court of Justice of the European Union, judgment of 26 June 2014 in Case C-143/12, *Commission v. Germany*, para 100, highlights the following features of the right to be forgotten:

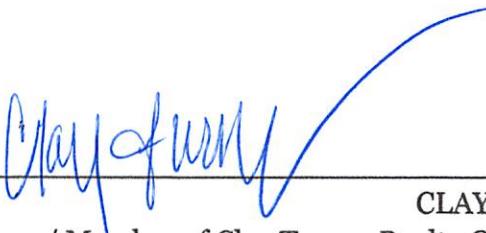
 - the right to be forgotten is a general right of data subjects to have their personal data deleted from search engines;
 - it applies to all the data and other information of which the data subject has been informed;
 - it does not affect the right of reply of the data subject;
 - it does not affect the right of access of the data subject;
 - it does not affect the right of erasure of the data subject;
 - it does not affect the right of data portability of the data subject;
 - it does not affect the right to data protection of the data subject;
 - it does not affect the right to object to the processing of the data subject's personal data.

6. Clay Turner Realty Group, LLC operates as a real estate agency in the states of Georgia and South Carolina.
7. Clay Turner Realty Group, LLC's principal place of business is in Lincolnton, Georgia.
8. I hired a third party business, SouthFire Web Solutions ("South Fire") to build a website for Defendant.
9. The individual that builty my webite is known as one Jimmy Barnett.
10. I provided a number of photographs to be placed on the website.
11. It was my understanding that SouthFire would use stock images, which required no license for each individual image use, for the creation of the website and any licensing for any content, if required, would be completed in the website construction process.
12. A website was built with the web address of www.turnerrealty.us by SouthFire and which is maintained and powered by SouthFire.
13. The local regions I market and sale real estate in are shown on the aforementioned website and are depicted by well-known landmarks in that area.
14. I market and sale real estate in Aiken, South Carolina.
15. The train depot in Aiken, South Carolina is a well-known and often photographed landmark in Aiken, South Carolina.
16. SouthFire selected and modified all images displayed on my website subject to our agreement to build the website for my company.
17. I had no knowledge prior to this lawsuit that any images utilized on the website were not stock images or images I had provided myself, or that if they were, that proper licensing

had not been obtained.

18. The train depot picture was published as a depiction of Aiken, South Carolina.
19. Prior to the building and launching of the website, there was no communication between Plaintiff and myself.
20. Prior to the filing of this lawsuit, there was no communication between Plaintiff and myself.
21. The same and/or substantially similar images of the train depot are depicted on a number of websites, including non-profit, government, and commercial for-profit businesses.
22. The last certified publication date of my website prior to the filing of the lawsuit was January 2020.
23. The photograph at issue was removed from the website.

Dated: January 11, 2021


CLAY TURNER
Owner/ Member of Clay Turner Realty Group, LLC